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Paul L. Twombly, Richard W. Bridges,
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William S. Kallaos, Andrew K. Ludwick

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[Additional Counsel Appear on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re FOUNDRY NETWORKS, INC.
DERIVATIVE LITIGATION

Case No. C-06-05598-RMW

This Document Relates To:

All Matters

STIPULATION AND ☐
ORDER RE: HEARING ON MOTION TO
DISMISS AND CASE MANAGEMENT
CONFERENCE

Date: April 18, 2008
Time: 9:00 and 10:30 a.m.
Court: The Honorable Ronald M.
Whyte

WHEREAS, pursuant to the parties' prior stipulation dated March 12, 2008 (the "March Stipulation") and Order of this Court dated March 13, 2008 (the "March Order"), on April 18, 2008, the Court is currently scheduled to hear oral argument on Nominal Defendant Foundry Networks, Inc.'s Motion to Dismiss Consolidated Derivative Complaint (the "Motion to Dismiss") and hold a Case Management Conference; and

STIPULATION AND ☐ ORDER RE: HEARING ON MOTION TO DISMISS AND CASE
MANAGEMENT CONFERENCE (Master File No. C-06-05598-RMW)

1 WHEREAS, the purpose of the March Stipulation and March Order was to reschedule the
2 hearing on the Motion to Dismiss and Case Management Conference to April 18, 2008 in order for
3 the parties to further engage in settlement discussions;

4 WHEREAS, since the March Stipulation and March Order, the parties have continued to
5 engage in settlement negotiations and, based on the progress thereof, have determined it is in the
6 interests of the parties and judicial economy to continue to engage in such negotiations without
7 holding the currently scheduled hearing on the Motion to Dismiss and the Case Management
8 Conference;

9 WHEREAS, the parties have thus agreed to continue the Motion to Dismiss hearing and the
10 Case Management Conference until May 23, 2008, or to such other date Ordered by the Court;

11 THEREFORE, IT IS STIPULATED AND AGREED by Plaintiffs, Foundry Networks, Inc.
12 and all of the remaining Individual Defendants, through their respective counsel of record, as
13 follows:

- 14 1. The hearing on nominal defendant Foundry Networks, Inc.'s Motion to
15 Dismiss is rescheduled to May 23, 2008 at 9:00 a.m.
- 16 2. The Case Management Conference is rescheduled to May 23, 2008 at 10:30
17 a.m.
- 18 3. The parties agree that, by entering into this stipulation, they do not waive any
19 claim, argument or defense that they may have in this action and that nothing in this stipulation
20 limits the rights of any party to take any action not inconsistent with its express terms.

21 Dated: April 16, 2008

SCHIFFRIN BARROWAY TOPAZ &
KESSLER LLP

23 [s] Nichole Browning

24 By: NICHOLE BROWNING
25 Co-Lead Counsel for Plaintiffs
26

27 STIPULATION AND [] ORDER RE: HEARING ON MOTION TO DISMISS AND CASE
MANAGEMENT CONFERENCE (Master File No. C-06-05598-RMW)

1 Dated: April 16, 2008

KELLER ROHRBACK L.L.P.

2 [s] Juli E. Farris

3 By: JULI E. FARRIS

4 Co-Lead Counsel for Plaintiffs

5 Dated: April 16, 2008

DLA PIPER US LLP

6 [s]Gerard A. Trippitelli

7 By: GERARD A. TRIPPITELLI

8 Attorneys for Nominal Defendant Foundry
9 Networks, Inc. and Defendants Laurence L.
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11 D. Taft, Paul L. Twombly, Richard W. Bridges,
12 Chandra Kopparapu, Ivy Pei Shan Hsu, Karl D.
13 Triebes, Lee Chen, Robert W. Shackleton,
14 William S. Kallaos, Andrew K. Ludwick

15 Dated: April 16, 2008

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

16 [s] Cynthia A. Dy

17 By: CYNTHIA A. DY

18 Attorneys for Defendant Bobby R. Johnson, Jr.

19 Dated: April 16, 2008

KEKER & VAN NEST LLP

20 [s] Elliot R. Peters

21 By: ELLIOT R. PETERS

22 Attorneys for Defendant Timothy D. Heffner

23 Dated: April 16, 2008

COOLEY GODWARD KRONISH LLP

24 [s] John C. Dwyer

25 By: JOHN C. DWYER

26 Attorneys for Defendants Alfred J. Amoroso,
27 C. Nicholas Keating, Jr., and J. Steven Young

STIPULATION AND ☐ ORDER RE: HEARING ON MOTION TO DISMISS AND CASE
MANAGEMENT CONFERENCE (Master File No. C-06-05598-RMW)

Attestation Pursuant to General Order 45

I, Gerard A. Trippitelli, attest that concurrence in the filing of this document has been obtained from the other signatories. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 16 day of April, 2008 at San Diego, California.

[s] Gerard A. Trippitelli

By: GERARD A. TRIPPITELLI

* * * *

[] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 4/17/08

Ronald M. Whyte

THE HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

STIPULATION AND [] ORDER RE: HEARING ON MOTION TO DISMISS AND CASE
MANAGEMENT CONFERENCE (Master File No. C-06-05598-RMW)